

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

This matter is before the court on a Motion for Continuance (Dkt. #33) filed March 8, 2013, and Substitution of Counsel (Dkt. #35) filed April 11, 2013.

The Motion for Continuance was filed by Plaintiff's CEO, Ricky Garrett, and seeks an extension of time in which to obtain counsel to represent Plaintiff in this case. Plaintiff filed its Complaint (Dkt. #1) on September 24, 2012, in the United States District Court for the Northern District of Ohio. The case was transferred to this district on February 8, 2013. *See Order* (Dkt. #31). Plaintiff was represented by Ohio counsel before this case was transferred and seeks ninety days in which to retain Nevada counsel.

The Substitution of Counsel seeks to substitute Elizabeth S. Ashley in the place and stead of Adam R. Weber as counsel for Defendant ADR Data Recovery, Inc. LR IA 10-6(c) requires that any stipulation to substitute attorneys shall be by leave of court and shall bear the signature of the attorneys and the client represented. It provides that the signature of an attorney to substitute into a case “constitutes an express acceptance of all dates then set for pretrial proceedings, for trial or hearing, by the discovery plan, or in any court order.” LR IA 10-6(d) also provides that the substitution of an attorney “shall not alone be reason for delay of pretrial proceedings, discovery, the trial, or any hearing in this case.

1 Having reviewed and considered the matter, and good cause appearing,

2 **IT IS ORDERED:**

- 3 1. The Motion for Continuance (Dkt. #33) is GRANTED.
- 4 2. A corporation cannot appear except through counsel. *Rowland v. California Men's*
5 *Colony*, 506 U.S. 194, 201-02 (1993); *U.S. v. High Country Broadcasting Co., Inc.*, 3
6 F.3d 1244, 1245 (9th Cir. 1993). Therefore, Plaintiff shall have until **JUNE 10, 2013**, in
7 which to retain new counsel who shall file a notice of appearance in accordance with the
8 Local Rules of Practice.
- 9 3. The Stipulation to Substitute Counsel (Dkt. #35) is APPROVED.
- 10 4. Elizabeth S. Ashley is substituted in the place and stead of Adam R. Weber as counsel
11 for Defendant ADR Data Recovery, Inc., subject to the provisions of LR IA 10-6(c) and
12 (d).

13 Dated this 7th day of May, 2013.

14
15 
16 PEGGY A. TEES
17 UNITED STATES MAGISTRATE JUDGE
18
19
20
21
22
23
24
25
26
27
28